

Judge Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 RAMON GONSALEZ-REYES and )  
 ERNESTO CASTILLO-ROJAS, )  
 a/k/a Teodulpho Castillo-Rojas, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

NO. CR05-329JLR

ORDER GRANTING JOINT MOTION  
TO CONTINUE PRETRIAL MOTIONS  
DEADLINE AND TRIAL DATE

THIS MATTER having come before the Court on the joint motion of the parties for an order continuing the pretrial motions deadline and the trial date in this cause, and the Court having reviewed the motion and the balance of the records and files herein, the Court now finds and rules as follows:

On August 25, 2005, defendants Ramon Gonzalez-Reyes and Ernesto Castillo-Rojas, a/k/a Teodulpho Castillo-Rojas, were charged by Complaint with distribution of 500 grams or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); distribution of five grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and possession of five hundred grams or more of methamphetamine with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). On September 7, 2005, the defendants were indicted on the same charges. They appeared before Magistrate Judge Mary Alice Theiler on September 8, 2005, for

1 arraignment. Pretrial motions were due on September 29, 2005, and trial was scheduled  
2 to begin on November 15, 2005. Both defendants have been ordered detained pending  
3 trial.

4 On October 4, 2005, the Court granted the defendants' unopposed motions to  
5 continue the deadline for filing pretrial motions from September 29, 2005, to October 13,  
6 2005.

7 On October 7, 2005, Assistant United States Attorney Leonie G.H. Grant filed a  
8 Notice of Substitution and Appearance of Counsel in the above-referenced matter.  
9 AUSA Grant was assigned responsibility for this matter as a result of Assistant  
10 United States Attorney Ilene Miller's departure from the United States Attorney's Office.  
11 Counsel have agreed that there is insufficient time before the present pretrial motions due  
12 date for Government counsel to familiarize herself with the case file and schedule a  
13 mutually convenient time for a discovery conference. Therefore, the parties have agreed  
14 that a discovery conference will be held during the first part of the week of October 17,  
15 2005. Because defense counsel will need additional time subsequent to the discovery  
16 conference to complete pretrial motions, the parties have further agreed that the pretrial  
17 motions deadline should be continued to Thursday, October 27, 2005, with the  
18 Government's responses to all pretrial motions due on or before Thursday, November 10,  
19 2005. Finally, the parties have agreed that the trial date should be continued in order to  
20 ensure all counsel the reasonable time necessary for effective preparation, taking into  
21 account the exercise of due diligence. No previous requests to continue the trial date  
22 have been filed in this proceeding.

23 It appearing to the Court that the failure to grant the requested continuance of the  
24 pretrial motions filing deadline and the trial date would effectively deny all counsel the  
25 reasonable time necessary for effective preparation, taking into account the exercise of  
26 due diligence, and it further appearing to the Court that the ends of justice served by  
27  
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1 granting the requested continuance outweigh the interest of the public and the defendants  
2 in a speedy trial,

3 IT IS HEREBY ORDERED that the joint motion of the parties to continue the  
4 pretrial motions deadline and the trial date is GRANTED.

5 IT IS FURTHER ORDERED that pretrial motions shall be filed on or before  
6 Thursday, October 27, 2005, and the Government's responses to all pretrial motions shall  
7 be due on or before Thursday, November 10, 2005.

8 IT IS FURTHER ORDERED that the trial date shall be continued from Tuesday,  
9 November 15, 2005, to Tuesday, December 13, 2005.

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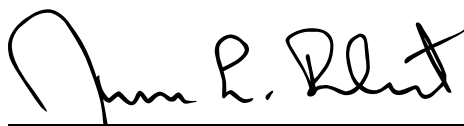
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1 IT IS FURTHER ORDERED that the period of delay from November 15, 2005,  
2 until December 13, 2005, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), for  
3 the purpose of computing the time limitations imposed by the Speedy Trial Act, 18  
4 U.S.C.  
5 §§ 3161-3174.

6 DATED this 17th of December, 2005.

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JAMES L. ROBART  
United States District Judge

Presented by:

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